IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, CIVIL JURISDICTION

WRIT PETITION NO.5952 OF2005

Shri Ramdas Kondiram Shende ..Petitioner

Versus

1. The State of Maharashtara & Ors...Respondents

Mr. Bipin Joshi with Mr. V.A. Jadhav, for the Petitioner

Ms. P.S. Cardoso, AGP for respondents

CORAM: F.I. REBELLO & DR.D.Y.CHANDRACHUD, JJ,
DATE :5th September,2005

P.C.

. The apprehension of the petitioner is that in the on-going inquiry under the Maharashtra Municipal Councils, Nagarparishads and Industrial Township Act 1965 he will be removed from office and charge taken over before he has an opportunity of challenging the order passed. It is his further contention that in respect of four charges out of five charges, he has been exonerated. Petitioner, therefore, prays that if there be any adverse order against him the same should not be given effect to for a period of four weeks from the date of communication. On behalf of the respondent-State learned A.G.P. submits that the petitioner has not appeared on the last two occasions and in these circumstances no protection should be granted to the petitioner.

2. Considering the facts and circumstances as on record and as there is no remedy by way of an Appeal, ends of justice would be met if the respondents are directed not to act upon the order, if made, if adverse to the petitioner for a period of four weeks from the date of communication of the said order. Rule made absolute accordingly. No order as to costs.

It is needless to say that the Competent Authority will proceed with the proceedings.

(F.I. REBELLO, J.)

(DR. D.Y. CHANDRACHUD, J.)